



July 23, 1999

Ms. Mary Keller
Senior Associate Commissioner
Legal and Compliance Division
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR99-2080

Dear Ms. Keller:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125925.

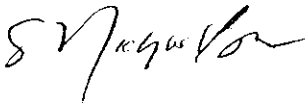
The Department of Insurance (the "department") received a request for information "regarding any market conduct examination or similar investigation into the insurance practices" of a named company. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with provisions of the Insurance Code. You have submitted the responsive information to this office for review. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Article 1.15 of the Insurance Code authorizes the department to examine insurers' financial condition, ability to meet liabilities, and compliance with state law in the conduct of business. Ins. Code art. 1.15, § 1; *see also* Ins. Code art. 1.01A(1)(c). With exceptions that do not apply here, section 9 of that article makes any information obtained during the course of such an examination confidential and not subject to public disclosure. Ins. Code art. 1.15, § 9. You represent that you have obtained the subject information from various sources. From our examination of the information we conclude that it is consistent with information that would be sought in an examination authorized under article 1.15, section 1, of the Insurance Code. We understand your position

to be that this information was obtained for that purpose. Based on your representations, we conclude that the information is made confidential by article 1.15, section 9, of the Insurance Code and must be withheld under section 552.101 of the Government Code. As all of the submitted information is subject to this statute, we shall not address your argument raised under another provision of the Insurance Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Jay Burns", written in a cursive style.

Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 125925

Encl. Submitted documents

cc: Mr. J. Miles Morgan
Farmer, Cline & Arnold
P.O. Box 3842
Charleston, Virginia 25338
(w/o enclosures)